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EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bill was introduced in Lok Sabha on the 22nd July, 1957:—

BILL* No. 43 OF 1957

A Bill to amend the Dhoties (Additional Excise Duty) Act, 1953.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Dhoties (Additional Excise Duty) Short title. Amendment Act, 1957.

89 of 1953. 5 2. In section 1 of the Dhoties (Additional Excise Duty) Act, 1953 Amendment of section 1. (hereinafter referred to as the principal Act), in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted.

3. In section 2 of the principal Act, after clause (a), the follow- Amendment of section 2. ing clause shall be inserted, namely:—

"(aa) 'group of mills' means two or more mills under common ownership or management;"

4. In section 3 of the principal Act, after sub-section (2), the Amendment of section 3. following sub-sections shall be inserted, namely:—

15 "(3) The permissible quota of dhoties which may be issued out of any group of mills as a whole during any quarter in any case where an application is made in that behalf by that group, shall be such as the Textile Commissioner to the Government of India may fix, but such permissible quota shall in no

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Lok Sabha, the introduction and consideration of the Bill.

case exceed the total of the permissible quotas under sub-section (1) or, as the case may be, under sub-section (2), for all the mills included in that group.

(4) Where an application for the fixation of a permissible quota under sub-section (3) is rejected, the Textile Commissioner shall record in writing a brief statement of his reasons for such rejection.” 5

Amendment
of section 4.

5. In section 4 of the principal Act,—

(a) in sub-section (1), after the figures “1953”, the words “or out of any group of mills,” shall be inserted; 10

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) For the removal of doubts it is hereby declared that where a duty of excise has been levied under sub-section (1) on any quantity of dhoties issued in excess of the permissible quota fixed under sub-section (3) of section 3 for any group of mills, no duty of excise shall be levied separately under the said sub-section (1) on any quantity of dhoties issued out of any mill included in that group on the ground that such quantity is in excess of the permissible quota for that mill.” 20

Amendment
of section 5.

6. In section 5 of the principal Act, after the words “in particular”, the words “the form and manner of applications for fixation of permissible quotas for groups of mills, the procedure to be followed in relation to such fixation and” shall be inserted. 25

Amendment
of the Schedule.

7. In the Schedule to the principal Act, after the words “any mill”, the words “or any group of mills” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

In order to assist the handloom industry, the Government of India had issued in December, 1952, a notification under the Cotton Textiles (Control) Order, 1948, restricting the production of dhoties by a mill or a group of mills to not more than 60 per cent. of the average quantities of dhoties packed for sale per month for internal consumption during the year April, 1951 to March, 1952. It was, however, not always possible under this notification to penalise the offender for infringement of its provisions. To remove this disability, the Dhoties (Additional Excise Duty) Act, 1953, was passed providing for the imposition of a penal excise duty on a regulated scale on mills infringing this restriction.

2. In order to clarify beyond doubt that a group of mills under the same ownership or common management could combine their quotas of dhoties fixed under section 3, it is proposed to amend the said Act to enable the Government to fix a collective quota wherever necessary for a group of mills under the same ownership or common management. The Bill is designed to achieve this object.

MORARJI DESAI.

NEW DELHI;

The 4th July, 1957.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to amend section 5 of the principal Act to enable the Central Government to make rules to provide for the form and manner of application for the fixation of permissible quota for any group of mills and the procedure to be followed in relation to such fixation. These are matters of procedure and minor detail which may be entrusted to the rule making power of the Central Government. The proposed delegation of legislative power is of a normal character.

M. N. KAUL,